

UNITED STATES DISTRICT COURT
for the
Eastern District of Michigan

United States of America

v.

Miguel Angel HERNANDEZ-CASTILLO

Case No. Case: 2:25-mj-30076
Assigned To : Unassigned
Assign. Date : 2/14/2025
Description: CMP USA V. Miguel
Angel HERNANDEZ-CASTILLO
(DA)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of February 8, 2025 in the county of Wayne in the
Eastern District of Michigan, the defendant(s) violated:

<i>Code Section</i>	<i>Offense Description</i>
Title 8, United States Code, Section 1326(a)	Unlawful Re-entry after Removal from the United States

This criminal complaint is based on these facts:

On or about February 8, 2025, in the Eastern District of Michigan, Southern Division, Miguel HERNANDEZ-CASTILLO, an alien from Mexico, was found in the United States after having been denied admission, excluded, deported, and removed there from on or about December 29, 2011, and not having obtained the express consent of the Attorney General of the United States or the Secretary of Homeland Security to re-apply for admission thereto; in violation of Title 8, United States Code, Section 1326(a).

Continued on the attached sheet.

Sworn to before me and signed in my presence
and/or by reliable electronic means.

Date: February 14, 2025

City and state: Detroit, MI


Jesse Weinberger
Printed name and title


Elizabeth A. Stafford, U.S. Magistrate Judge
Printed name and title

AFFIDAVIT

I, Jesse S. Weinberger, a Deportation Officer with the United States Department of Homeland Security, Immigration and Customs Enforcement (ICE), being duly sworn, depose and state as follows:

1. I have been a Deportation Officer with the United States Department of Homeland Security, Immigration and Customs Enforcement (ICE) since 2019. As part of my current duties, I investigate federal criminal violations relating to immigration. I make this affidavit based upon my personal knowledge, as well as information provided by other law enforcement officers to include Deportation Officers and record checks of law enforcement databases. I have also reviewed the immigration file and system automated data relating to Miguel Angel HERNANDEZ-CASTILLO. This affidavit does not contain all the facts developed to date in the underlying investigation and is being submitted for the limited purpose of establishing probable cause to secure a criminal complaint and arrest warrant.
2. HERNANDEZ-CASTILLO is a 42-year-old male, native and citizen of Mexico, who last entered the United States at an unknown place, on an unknown date, without being admitted, inspected or paroled by an Immigration Officer.
3. On March 13, 2009, the Nashville Metro Police Department arrested HERNANDEZ-CASTILLO for Driving Without a License. HERNANDEZ-CASTILLO pleaded guilty and was sentenced to fines.
4. On May 23, 2009, the Nashville Metro Police Department arrested HERNANDEZ-CASTILLO for Driving Under the Influence and Implied Consent Violation. HERNANDEZ-CASTILLO pleaded guilty, and he was sentenced to 11 months and 29 Days confinement.
5. On May 23, 2009, HERNANDEZ-CASTILLO was encountered by ICE ERO Nashville Office after his arrest by the Metro Nashville Tennessee Police Department for Driving Under the Influence (Misdemeanor), Driving Without a Driver's License, and an Implied Consent Violation. ICE Enforcement and Removal Operations (ERO) processed HERNANDEZ-CASTILLO as a Warrant of Arrest/Notice to Appear.

6. On June 25, 2009, an Immigration Judge in Jena, Louisiana ordered HERNANDEZ-CASTILLO removed from the United States to Mexico, and on July 13, 2009, he was removed to Mexico at New Orleans, Louisiana.
7. On December 4, 2011, the Maury County Tennessee Sheriff's Office arrested HERNANDEZ-CASTILLO for False Reports and Criminal Impersonation. HERNANDEZ-CASTILLO pleaded guilty to the charges and was sentenced to time-served.
8. On December 9, 2011, ICE ERO Nashville Office encountered HERNANDEZ-CASTILLO at the Maury County Tennessee Jail in Columbia, Tennessee after his arrest for False Reports and Criminal Impersonation. ICE ERO processed HERNANDEZ-CASTILLO as a Re-Instatement of a Prior Order of Removal, and on December 29, 2011, he was again removed to Mexico at New Orleans, Louisiana.
9. On February 8, 2025, while conducting surveillance on a targeted alien with an approved Field Operation Worksheet, the ICE ERO Officers with the ATD Targeting Team, along with Detroit HSI agents, observed one male subject (the ATD Subject) matching the description of a known alien enter a vehicle behind the ATD Subject's known address. Three other individuals also entered the vehicle. The vehicle left the address, and the ATD Targeting Team initiated a vehicle stop on the ATD Subject's vehicle near the corner of Michigan Ave. and Livernois Ave. in Detroit, Michigan. ICE ERO Officers approached the vehicle, identified themselves, and contacted the driver, later identified as the ATD Subject, and the vehicle's passengers, one of whom was later identified as HERNANDEZ-CASTILLO. When he was asked for his identification, HERNANDEZ-CASTILLO freely admitted to not having any immigration documents that would allow him to be, or lawfully remain, in the United States. ICE ERO Officers then placed HERNANDEZ-CASTILLO under arrest and transported him to the Detroit ICE ERO Field Office for further processing.
10. HERNANDEZ-CASTILLO's fingerprints and photograph were captured and entered into the Automated Biometric Identification System (IDENT) and the Integrated Automated Fingerprint Identification System (IAFIS). The results of those systems revealed that HERNANDEZ-CASTILLO is a citizen of Mexico who has been previously removed from the United States. The record checks did not provide any evidence that HERNANDEZ-CASTILLO legally entered the United States or had been issued any legal

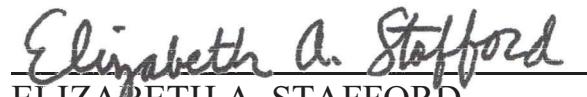
immigration document to allow him to enter or remain in the United States.

11. The aforementioned arrest and subsequent detention was an administrative, non-criminal action made pursuant to the authority found in 8 U.S.C. §§ 1225, 1226, 1231, and/or 1357 to arrest and detain any alien entering or attempting to enter the United States, or any alien present in the United States, who is reasonably believed to be in violation of any law or regulation regulating the admission, exclusion, expulsion, or removal of aliens.
12. Review of the Alien File (A# 088 XXX XXX) for HERNANDEZ-CASTILLO and queries in U.S. Immigration and Customs Enforcement computer databases confirmed that no record exists of him obtaining permission from the Attorney General or the Secretary of the Department of Homeland Security to re-apply for admission to the United States following his removal on December 29, 2011.
13. Based on the above information, I believe there is probable cause to conclude that Miguel Angel HERNANDEZ-CASTILLO is an alien who was found in the United States after removal, without the express permission from the Attorney General of the United States or from the Secretary of the Department of Homeland Security to re-apply for admission into the United States in violation of Title 8, United States Code, Section 1326(a)(1).



Jesse S. Weinberger, Deportation Officer
U.S. Department of Homeland Security

Sworn to before me and signed in my presence and/or by reliable electronic means.



Elizabeth A. Stafford
ELIZABETH A. STAFFORD
United States Magistrate Judge